

June 4, 2021

By ECF

Hon. Alvin K. Hellerstein, United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1050
New York, NY 10007

Re: **Securities and Exchange Commission v. Global Investment Strategy UK Ltd.
and John William Gunn, 20-cv-10838 (AKH)**

Dear Judge Hellerstein:

The parties jointly submit this report to the Court, pursuant to Rule 26(f)(2) of the Federal Rules of Civil Procedure, on the discovery conference conducted by the parties on May 24, 2021. The conference was conducted telephonically and the undersigned counsel for both parties attended.

Background

The SEC filed its Complaint on December 22, 2020, against Defendants Global Investment Strategy UK Ltd. (“GIS”) and John William Gunn (“Gunn”), alleging that GIS, a financial services firm located in the United Kingdom, acted as an unregistered broker-dealer in the United States in violation of Section 15(a) of the Securities Exchange Act of 1934. Gunn, the founder and chairman of GIS, is charged with aiding-and-abetting GIS’s violations.

The SEC filed an Affidavit of Service on January 7, 2021. Dkt. 10. After the Court approved three stipulations extending the time for the Defendants to respond to the Complaint (Dkt. 13, 15, 17), the Defendants filed a motion to dismiss on April 2, 2021 (Dkt. 18, 19, 20). The motion to dismiss argues that: (1) Gunn was not properly served; (2) the Court lacks personal jurisdiction over Gunn; and (3) the Complaint fails to state a claim against GIS and Gunn. The SEC filed its opposition on May 7, 2021 (Dkt. 21, 22), and the Defendants filed a reply brief on May 27, 2021 (Dkt. 23, 24).

The Parties’ Agreement on Discovery While the Motion to Dismiss is Pending

The parties agree that document subpoenas pursuant to Rule 45 may be served on non-parties. Prior to service of any subpoena, the party serving the subpoena will provide to the other party a notice and a copy of the subpoena, as required by Rule 45(a)(4)

The parties may serve document requests under Rule 34; however, the party receiving such a document request is not required to object or respond until 30 days after the Court’s ruling on the motion to dismiss, provided that the motion to dismiss is not granted in full. The parties further

agree that service of initial disclosures pursuant to Rule 26 are stayed until 30 days after the Court's ruling on the motion to dismiss, provided that the motion to dismiss is not granted in full.

The parties agree not to notice depositions (party or non-party) until 30 days after the Court's ruling on the motion to dismiss, provided that the motion to dismiss is not granted in full.

The Civil Case Management Plan

Within 30 days of the Court's ruling on the motion to dismiss, provided that the motion to dismiss is not granted in full, the parties will confer and submit to the Court a proposed Civil Case Management Plan.

Dated: June 4, 2021

Respectfully submitted,

SECURITIES AND EXCHANGE
COMMISSION

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